

PUBLIC SERVICE COMMISSION OF SOUTH CAROLINA

CHIEF HEARING OFFICER DIRECTIVE

DOCKET NO. 2021-2-E ORDER NO. 2020-137-H

DECEMBER 17, 2020

CHIEF HEARING OFFICER: David Butler

DOCKET DESCRIPTION:

Annual Review of Base Rates for Fuel Costs for Dominion Energy South Carolina, Incorporated (For Potential Increase or Decrease in fuel Adjustment or Gas Adjustment)

MATTER UNDER CONSIDERATION:

Petition to Intervene of South Carolina Energy Users Committee ("SCEUC")

CHIEF HEARING OFFICER'S ACTION:

This matter comes before the Chief Hearing Officer on the Petition to Intervene of South Carolina Energy Users Committee. The Petition is timely filed, and no objections to the intervention have been filed.

After it has been determined that the Petition has been timely filed, the next question for the Commission is to determine whether or not the petitioning party has clear factual support or grounds for the proposed intervention. S.C. Regs. 103-825A(3) requires that a party making a Petition to Intervene in a matter pending before the SC Public Service Commission must:

set forth clearly and concisely:

- (a) The facts from which the nature of the petitioner's alleged right or interest can be determined;**
- (b) The grounds of the proposed intervention;**
- (c) The position of the petitioner in the proceeding.**

Objections to a Petition to Intervene shall be filed with the Commission within ten days of service of the Petition to Intervene. S.C. Code Ann. Regs. 103-825A(3) (2012) (emphasis added).

The position of the Petitioners in the proceeding must also be concisely and clearly stated; provided it is known. The Commission has historically allowed a petitioning party to intervene even if the party has not made a determination of its position in a docket/proceeding provided such intervention would not unduly cause a delay in the proceedings or prejudice the rights of other parties.

According to the petition, SCEUC is an association organized in the State of South Carolina, consisting of large industrial consumers of energy which are engaged in various manufacturing enterprises throughout the State; also SCEUC is organized for the purposes

of intervening and participating in regulatory proceedings to advocate for cost based electric rates that are just and reasonable. Members of SCEUC take electric service from DESC, consuming and purchasing substantial amounts of electricity from the Company. SCEUC asserts that it and its members have a real, material and substantial interest in the subject matter to be addressed and resolved by the Commission in this docket, as SCEUC members will suffer an adverse impact if obligated for payment of increased electric rates, charges and tariffs; SCEUC further states that, as a consequence, SCEUC's members will be aggrieved by an order by the Commission adjusting, changing and increasing DESC's electric rates, charges and tariffs. SCEUC also asserts that the interests of SCEUC's members are not adequately represented by the current parties to this proceeding. SCEUC also notes that, given the state of the record at this stage of the proceedings, SCEUC lacks sufficient information to fully develop and state its position in this proceeding at this time. Further, SCEUC notes that granting SCEUC's request to be made a party of record in this proceeding is in the public interest, is consistent with the policies of the Commission in encouraging maximum public participation in issues before it, and should be allowed so that a full and complete record addressing its views and concerns can be developed.

From these facts, this Hearing Officer holds that SCEUC has successfully satisfied the three criteria for intervention stated in the Regulation. The Conservation Group's interest in this matter can clearly be discerned, as can the grounds for the intervention. Although SCEUC does not state its position, it notes that due to the early stage of the proceedings, it lacks enough information to do so. This Hearing Officer holds that allowing the intervention of SCEUC would not unduly delay the proceedings, nor prejudice the rights of other parties.

Further, the Petition to Intervene was timely filed and there are no objections to the intervention. Accordingly, the Petition to Intervene of South Carolina Energy Users Committee is hereby granted in this Docket. This ends the Chief Hearing Officer's Directive.